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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/519,393	11/13/2006	Shuya Huo		2862
Huo, Yan C/O Huo, Shuya 856 Pacheco Street San Francisco, CA 94116			EXAMINER CHOKSHI, PINKAL R	
			ART UNIT 2623	PAPER NUMBER
			MAIL DATE 09/18/2008	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

**Application No.**

10/519,393

**Applicant(s)**

HUO, SHUYA

**Examiner**

PINKAL CHOKSHI

**Art Unit**

2623

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 06 February 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 December 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-8508)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_
- Paper No(s)/Mail Date \_\_\_\_\_

## **DETAILED ACTION**

### ***Drawings***

1. The drawings are objected to because Figs. 3 and 4 are on the same page and it is difficult for Examiner to figure which part/number belongs to which figures. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### ***Claim Objections***

2. Claim 1 and 7 are objected to because of the following informalities: Claims 1 and 7 are directed to a system and a method. This is not allowed, each claim must have

a clear category (method or system-apparatus). Claims dependent on a method claim should be method claims and claims dependent on a system claim should be system claims. Also, claim 1 includes more than one period which is not allowed. Appropriate correction is required.

***Claim Rejections - 35 USC § 112***

3. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

4. **Claims 1-7** are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. The words “dealpack” and “packengine” described in claims and specification are unclear.

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. **Claims 1-7** are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

7. The claims are generally narrative and indefinite, failing to conform with current U.S. practice. They appear to be a literal translation into English from a foreign document and are replete with grammatical and idiomatic errors.
8. Regarding claims 1-7, the phrase "such as, etc" renders the claim indefinite because it is unclear whether the limitations following the phrase are part of the claimed invention. See MPEP § 2173.05(d).
9. Claim 6 recites the limitation "secret key issuance and management method of..." in lines 1-2 of claim 6. There is insufficient antecedent basis for this limitation in the claim.
10. An examination of this application reveals that applicant is unfamiliar with patent prosecution procedure. While an inventor may prosecute the application, lack of skill in this field usually acts as a liability in affording the maximum protection for the invention disclosed. Applicant is advised to secure the services of a registered patent attorney or agent to prosecute the application, since the value of a patent is largely dependent upon skilled preparation and prosecution. The Office cannot aid in selecting an attorney or agent.

A listing of registered patent attorneys and agents is available on the USPTO Internet web site <http://www.uspto.gov> in the Site Index under "Attorney and Agent Roster." Applicants may also obtain a list of registered patent attorneys and agents located in their area by writing to the Mail Stop OED, Director of the U. S. Patent and Trademark Office, PO Box 1450, Alexandria, VA 22313-1450

***Claim Rejections - 35 USC § 103***

11. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

12. **Claims 1-7** are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent 6,088,722 to Herz et al (hereafter referenced as Herz) in view of US Patent 5,956,716 to Kenner et al (hereafter referenced as Kenner).

Regarding **claim 1**, “a system of electronic information item selection for trade and the traded item control delivery” reads on the system for scheduling desired movies/programs, which distributes many sources of such data to customers (abstract) disclosed by Herz and represented in Fig. 1.

As to “the system include: an electronic information item selection software mean, which can be downloaded and upgraded on control and operating devices, such as client side TV set-top box type and remote handheld PC or PDA type device, and/or server side cable head-end, telecom node or computer hub” Herz discloses (col.8, lines 25-29; col.23, lines 51-55) that the electronic program guide is received and stored at the user’s terminal such as set-top box.

As to “a reorganizing and transforming processor or call it pack-engine to process the for trade electronic information items which are items not being

selected and being confirmed for-not-use by content subscriber using the said selection software mean" Herz discloses (col.27, lines 39-61) that based on user profile, user receives a list of programs/movies and if user doesn't watch a movie from the list then the request for not watched programs/movies is transmitted back to head-end to update user profile as represented in Figs. 1 and 3.

As to "secret key issuance and management that issue the secret key to dealpack purchasing subscriber and manage the same and/or different networks subscribers' trade and delivery of the traded dealpack" Herz discloses (col.7, lines 55-67) that the head-end provides a key to set top multimedia terminal to decrypt the programming content received from head-end.

Herz meets all the limitations of the claim except "the for trade electronic information items or call it dealpacks, are generated by pack-engine from unselected or for-not-use items via a process of mapping, regrouping, packaging, labeling and pricing." However, Kenner discloses (col.8, lines 14-25; col.9, lines 31-54) that the user terminal such as STB receives and stores video programs in the local SRU. When second user terminal in the same computer network wants to view the program, its request is transmitted to local SRU of first user terminal via primary index manager (server), where local SRU shares/trades it video program with the second user terminal as represented in Fig. 1. As to "with the label data being sent out for listing online, the dealpack will be control delivered in real, delayed or relayed time" Kenner discloses (col.9, lines 31-36) that the downloading of audio/video program occurs in real-time. As to "gateways set on

the electronic information item trading network's key nodes to control said dealpack path and filter its content" Kenner discloses (col.10, line 65-col.11, line 3) that the index manager (server) controls STB to direct SRUs to download and filter video information. Therefore, it would have been obvious to one of the ordinary skills in the art at the time of the invention to modify Herz's system by sharing/trading programs with other users on the network as taught by Kenner so the user can receive some kind of reward/points by exchanging/sharing programs with other users on the network.

Regarding **claim 2**, "the electronic information item (such as TV Program) selection software mean include an interactive selection guide (such as EPG), which is displayed by a list on television or computer operated display device directly or via internet web interface and being interactively operated to allow subscriber to use the selection guide to select items (such as TV or video programs) which could be time frame or time frame group, or content (such as channel or movie title or time and content combination), and could also be listed out in pre-defined format, such as horizontal as time axis and content (such as channel or title combination) as vertical axis" Herz discloses (col.23, lines 51-55) that the programming contents are displayed as EPG on customer's screen. It's inherent that EPG contains program titles and timings on the X and Y axis.

As to "also allow subscriber to select items by pressing key (such as computers or phones') pad, pressing buttons of remote control unit or using



mouse, touch panel or touch pen, even voice to put some items as for-use and other (unselected) items as for-not-use (or for trade, for rent, for lease, etc.) in a specified time frame or session" Herz discloses (col.47, lines 18-21) that the customer selects desired program using remote control unit as represented in Fig. 9.

Regarding **claim 3**, "the unselected content or for-not-use electronic information items in specified time frame or session once confirmed, shall be mapped immediately by pack-engine through pre-defined grid/matrics for packaging, labeling and pricing into serious of item groups or virtual media albums, the dealpacks, in accordance with pre-defined criteria, such as dealpack ID, class code, title label data and price, under the subscriber's account number; and the dealpack label data shall be sent into trading database connected in real time with trading network center for listing" Kenner discloses (col.8, lines 14-25; col.9, lines 31-54; col.5, lines 46-47) that the user terminal such as STB receives and stores video programs in the local SRU. When second user terminal in the same computer network wants to view the program, its request is transmitted to local SRU of first user terminal via primary index manager (server), where local SRU shares/trades it video program, which identified by video ID ,with the second user terminal as represented in Fig. 1. Kenner further discloses (col.9, lines 31-36) that the downloading of audio/video program occurs in real-time.

Regarding **claim 4**, "the secret key issuance and management include: issuing of a secret key for dealpack once the purchase of the dealpack is done and paid, wherein the secret key is generated by an algorithm of assembling the said dealpack selling-subscriber's key with the dealpack's time-tag that define the time frame or session of the said dealpack, the identifier of the said dealpack and the verifier of payment for the said dealpack" Herz discloses (col.7, lines 55-61) that the head-end provides public key using public key algorithm such as RSA to decrypt programming content provided to subscriber.

As to "submitting the said secret key via internet, cable or wirelessly" Herz discloses (col.45, lines 38-42) that the key is transmitted between head-end to set-top box via known method such as cable, satellite, etc.

As to "administering the issuance and submission of the said secret key by the trading network center on behalf of the subscribers or by subscriber themselves" Herz discloses (col.7, lines 58-61) that the public key is issued by head-end to decrypt the encrypted content provided to STB.

As to "encrypting-transmit and decrypting-deliver the said dealpack to the said subscriber in the specified time frame or session once the said secret key submitted" Herz discloses (col.7, lines 62-64) that the using the key, STB decrypts the encrypted programming content transmitted by head-end.

Regarding **claims 5 and 7**, "a method to generate the dealpack and said dealpack label data" reads on the system for scheduling desired

movies/programs, which distributes many sources of such data to customers (abstract) disclosed by Herz and represented in Fig. 1.

As to "method which include steps: selecting the time frame or session wherein the content shall be used, or selecting the wanted electronic information items for-use at specified time frame or session, using the above mentioned selection software mean" Herz discloses (col.8, lines 25-29; col.23, lines 51-55) that the electronic program guide is received and stored at the user's terminal such as set-top box.

As to "confirming the unselected time frame or session wherein the content shall not be used, or the for-not-use electronic information items at the said specified time frame to process by the said pack-engine" Herz discloses (col.27, lines 39-61) that based on user profile, user receives a list of programs/movies and if user doesn't watch a movie from the list then the request for not watched programs/movies is transmitted back to head-end to update user profile as represented in Figs. 1 and 3.

Herz meets all the limitations of the claim except "processing the unselected content or for-not-use electronic information items by pack-engine through mapping, regrouping, packaging, labeling and pricing into dealpack; sending dealpack label data to trading database server for listing and trading." However, Kenner discloses (col.8, lines 14-25; col.9, lines 31-54) that the user terminal such as STB receives and stores video programs in the local SRU. When second user terminal in the same computer network wants to view the

program, its request is transmitted to local SRU of first user terminal via primary index manager (server), where local SRU shares/trades it video program with the second user terminal as represented in Fig. 1. Kenner further discloses (col.9, lines 31-36) that the downloading of audio/video program occurs in real-time. Kenner further discloses (col.10, line 65-col.11, line 3) that the index manager (server) controls STB to direct SRUs to download and filter video information. Therefore, it would have been obvious to one of the ordinary skills in the art at the time of the invention to modify Herz's system by sharing/trading programs with other users on the network as taught by Kenner so the user can receive some kind of reward/points by exchanging/sharing programs with other users on the network.

Regarding **claim 6**, "the secret key issuance and management method include: issuing of a secret key for dealpack once the purchase of the dealpack is done and paid, wherein the secret key is generated by an algorithm of assembling the said dealpack selling-subscriber's key with the dealpack's time-tag that define the time frame or session of the said dealpack, the identifier of the said dealpack and the verifier of payment for the said dealpack" Herz discloses (col.7, lines 55-61) that the head-end provides public key using public key algorithm such as RSA to decrypt programming content provided to subscriber.

As to "submitting the said secret key via internet, cable or wirelessly" Herz discloses (col.45, lines 38-42) that the key is transmitted between head-end to set-top box via known method such as cable, satellite, etc.

As to "administering the issuance and submission of the said secret key by the trading network center on behalf of the subscribers or by subscriber themselves" Herz discloses (col.7, lines 58-61) that the public key is issued by head-end to decrypt the encrypted content provided to STB.

As to "encrypting-transmit and decrypting-deliver the said dealpack to the said subscriber in the specified time frame or session once the said secret key submitted" Herz discloses (col.7, lines 62-64) that the using the key, STB decrypts the encrypted programming content transmitted by head-end.

### ***Conclusion***

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to PINKAL CHOKSHI whose telephone number is (571) 270-3317. The examiner can normally be reached on Monday-Friday 8 - 5 pm (Alt. Friday off).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian Pendleton can be reached on 571-272-7527. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Annan Q Shang/  
Primary Examiner, Art Unit 2623

/PRC/